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REMARKS

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The Examiner has objected to the drawings for failing to show the "blender" as claimed. Applicant submits herewith proposed amended Figure 1, wherein the number 24 has been added along with a tagline that indicates the structure representing the blender 24. The drawings are now believed to be allowable and the Examiner is respectfully requested to reconsider the aforementioned objection.

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The Examiner rejected claims 1 and 6-7 under 35 U.S.C. § 103(a) as being obvious over Oberg (U.S. 4,323,313) in view of GB 2,165,469 and Derrah (U.S. 5,399,186). With respect to claims 1 and 7, the Examiner states that Oberg teaches each of the claims structural limitations except for a nozzle and a continuous loop supply line. The Examiner further states that Derrah discloses a nozzle attached to the supply conduit that is further in communication with the mixing bed. The Examiner further states that GB '469 discloses a liquid spray system having a continuous loop supply and return line originating from a container. The Examiner states that it would have been obvious at the time the invention was made to include a return line forming a continuous loop to the supply line in Oberg et al's device as modified to circulate in a continuous loop as taught by GB '469.

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The applicant respectfully disagrees with the Examiner. First, the features of each prior art system identified by the Examiner are not combinable to form a system that would read directly on claims 1, 6 or 7. Specifically, Oberg teaches a spray system wherein a plurality of separate supply lines terminate into a single

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1 depository line 18. Each separate line couples with the depository line 18 in a T
fashion. Accordingly, it is unclear how a return line would be coupled with the
system such that each separate return line would only be returning the unique fluid
within each separate supply line to their points of origin. The continuous loop
5 system taught within GB '469 (as depicted in Figure 2 of that patent) demonstrates a
high pressure bypass system that bleeds bypassed fluid from the end of the spray
manifolds into the return line to be returned to a single storage tank. It is not
conceivable how the high-pressure bypass system of GB '469 could be operatively
10 coupled with the Oberg system to function as claimed. To be sure, a high-pressure
bypass system would mix all of the separate chemicals directed by the supply lines
of the Oberg system to the single depository line 18. Even if the identified features
could be effectively combined in the manner suggested by the Examiner, there is no
15 suggestion or motivation found within the prior art to make such a combination. It is
the Examiner's burden to demonstrate such a suggestion or motivation in the prior
art for the applicant's claimed limitations. Fromson v. Advance O Plate, Inc., 755F.
Second 1549, 1558 (Fed. Cir. 1985). Here, the Examiner's using the benefit of
impermissible hindsight to reconstruct the applicant's invention in the absence of an
20 incentive to do so in the art of record.

Moreover, GB '469 maintains circulation through a continuous loop for a liquid
application of different substances that is already mixed. The stated purpose for the
continuous loop is to prevent the settling of solids within the mixture and to prevent

1 concentrations of only one or more chemicals within the mixture when the fluid is
2 applied to the crops. Accordingly, a person of ordinary skill in the art who is looking
3 to solve the problem of limiting contamination while keeping the subject coating
4 within a desired temperature range would not look on any objective basis to the
5 combination of prior art cited by the Examiner. To be sure, none of the cited prior art
are concerned with such problems.

In order to clarify the applicants claimed invention, claim 1 has been
10 amended to further recite a valve, which is operatively coupled to the return line for
selectively restricting the flow of the fluid through the return line. With the system's
15 pump in operation, and the valve in a closed or substantially closed position,
pressure will direct the fluid outwardly through the spray nozzle and into the blender,
rather than through the continuous loop and back into the fluid container. None of
the cited prior art patents, alone or in combination with one another, teach a
continuous loop supply line for directing fluid to a nozzle adjacent a mixing tank that
is selectively directable to increase pressure applied in the direction of the supply
nozzle through the actuation of valving within the return line, let alone a system that
can then reverse the valving within the return line to return the unused fluid to the
20 container and back through the supply line in its continuous loop fashion.
Accordingly, it is believed that claim 1 is allowable over the cited prior art and the
Examiner is respectfully requested to reconsider the foregoing rejection and allow
claim 1.

1 Claim 7 ultimately depends from claim 1 and further includes the limitations
that a plurality of containers are provided along with a plurality of separate loops
formed by separate supply lines and return lines for each of the plurality of
containers. As discussed hereinabove, no combination of the cited prior art will
5 provide truly underlying separate and continuous loops that can direct the fluids
selectively through a spray nozzle or return them to their respective containers
without contamination. Accordingly, in addition to the fact that claim 7 depends from
claim 1, claim 7 is believed to be patentable in view of the prior art.

10 Likewise, claim 6, which depends from claim 1 is believed to be allowable for
the reasons set forth hereinabove.

15 The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as unpatentable
over Oberg in view of GB '469, Derrah, as applied to claim 1 above, and further in
view of Langeman (U.S. 5,388,761). Specifically, the Examiner states that the prior
art lack the teaching of a heating means for heating the containers, which is
disclosed within Langeman. The Examiner states that it would have been obvious at
the time the invention was made to include the heating means for the sources of
liquid to retain the liquid at the desired temperature. Claim 2 depends from claim 1
20 as amended, and is believed to be allowable for the reasons set forth hereinabove
with respect to claim 1 and with respect to the amendment made to claim 1.

25 The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being
unpatentable over Oberg in view of GB '469, and Derrah as applied to claim 2

1 above, and further in view of Schafer (U.S. 5,843,621). Specifically, the Examiner
states that Oberg as modified is silent concerning insulation for the supply and
return lines. The Examiner states however that Schafer teaches insulated supply
and return pipes and that it would have been obvious at the time the invention was
5 made to include the insulated supply and return lines in Oberg to prevent heat loss
of the coating fluid. The applicant respectfully disagrees with the Examiner. First,
claims 3 and 4 ultimately depend from claim 1, which is believed to be allowable for
the reasons set forth hereinabove. Accordingly, claims 3 and 4 are believed to be
10 allowable for the same reasons. Moreover, the Examiner fails to indicate any
motivation or suggestion that the references be combined in the manner claimed.
As discussed previously, the cited prior art is not concerned with the loss of heat
from the fluids circulated within the systems. Accordingly, to claim that the
15 combination of these five references renders obvious a claimed system that
incorporates insulated supply and return lines that form a continuous with a
container of fluid to selectively supply the fluid to a spray nozzle adjacent a mixing
container for coating particulate can only be the result of the benefit of impermissible
hindsight. No motivation or suggestion can be found within the art for the claimed
20 combination of structural elements. Accordingly, claims 3 and 4 are believed to be
allowable in view of the cited prior art.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being obvious
over Oberg in view of GB '469 and Derrah as applied to claim 1 above and further in

1 view of Melliger (U.S. 4,617,872). Specifically, the Examiner states that Oberg is
silent regarding a scale for determining the weight of the container and the fluid
within the container. The Examiner states that Melliger discloses a scale for
reservoir 19 and 21 containing coating liquid and that it would have been obvious at
5 the time the invention was made to include the Melliger scale system with Oberg to
obtain the system claimed within claim 5. The applicant again respectfully disagrees
with the Examiner. First, claim 5 depends from claim 1 which is believed to be
allowable for the reasons set forth hereinabove, rendering claim 5 allowable as well.
10 Moreover, no teaching or motivation can be found within the cited prior art to
combine a scale-weighing system of metering liquids within a system that utilizes a
continuous loop distribution system. Clearly problematic within such systems,
unless properly designed, will be the fact that not all of the fluid leaving the container
will be dispersed through the nozzle, but rather will return to the container after the
15 spray application is complete. Accordingly, a person of ordinary skill in the art would
not, on any objective basis, look to the cited prior art to derive the structural
combination claimed within claim 5, which is believed to be allowable.

20 The Examiner objected to claim 8-17 as being dependent upon a rejected
base claim but further stated that claims 8-17 would be allowable if rewritten in
independent form to include all of the limitations of the base claim and any
intervening claims. Claim 8 depends from claim 7, which depends from claims 6
and 1, respectively. Applicant has submitted new claim 18, which is comprised of
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1 the limitations found within claims 1, 6, 7 and 8 as they were originally filed.
Applicant has added new claims 19-27, which replicate claims 9-17, but depend
from newly added claim 18. Accordingly, newly added claims 18-27 are believed to
be allowable.

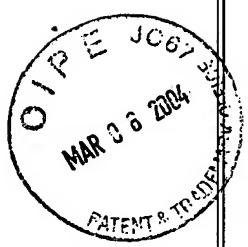
5 In accordance with the aforementioned amendments and discussion,
applicant respectfully requests reconsideration of the Examiner's rejections and
objections and the allowance of claims 1-27.

10 No fees or extensions of time are believed to be due in connection with this
amendment; however, consider this a request for any extension inadvertently
omitted, and charge any additional fees to Deposit Account No. 502093.

15 Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for JAMES M. ALLEN, Serial No. 10/602,207, was mailed by first class mail, postage prepaid, to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of March, 2004.

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A handwritten signature in black ink, appearing to read "Shane M. Niebergall".

SHANE M. NIEBERGALL

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